

BILL ANALYSIS

C.S.H.B. 3803
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Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although current law provides that a railroad peace officer is appointed by the Department of Public Safety and must maintain a peace officer license, such an officer is only entitled to exercise the powers and duties of a peace officer when working on railroad property. Because a railroad peace officer is not included in the list of persons who are peace officers under the Code of Criminal Procedure, a railroad peace officer is not exempted from certain prohibitions on weapons from which a peace officer is exempted. This creates uncertainty as to which weapons a railroad officer is authorized to carry and where such an officer is authorized to carry a weapon.

The duties of a railroad peace officer often involve working in multiple counties and may include assisting smaller, rural departments that have small staffs. The uncertainty about the status and powers of a railroad peace officer creates problems when such an officer is performing duties outside of railroad property and assisting other agencies. In addition to this problem, because many duties of a railroad peace officer relate to traffic violations with regards to crossing gates and train tracks, certain provisions prohibiting a railroad peace officer from issuing traffic citations make it impossible for such an officer to perform these duties.

C.S.H.B. 3803 adds a railroad peace officer to the list of peace officers under the Code of Criminal Procedure and removes certain limitations on the powers and duties of such an officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3803 amends the Code of Criminal Procedure to add a railroad peace officer appointed by the public safety director of the Department of Public Safety, subject to certain limitations, to the list of persons who are designated as peace officers under state law. The bill removes the cap on the number of railroad peace officers that the public safety director is authorized to appoint to aid law enforcement agencies in protecting property and persons associated with a railroad. The bill entitles each appointed railroad peace officer to all of the powers, privileges, and immunities of a peace officer while carrying out duties as a railroad peace officer within the boundaries of Texas. The bill authorizes a railroad peace officer to issue, rather than prohibits from issuing, a traffic citation for a violation of state law relating to driver's licenses and certificates or to the rules of the road. The bill limits the citation authorization to a violation that occurs on railroad property, is a violation of a traffic sign, signal, or marking located on railroad property, or immediately affects railroad operations. The bill makes conforming changes and technical corrections.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3803 differs from the original by authorizing a railroad peace officer to issue a traffic citation for a violation of state law relating to driver's licenses and certificates and to the rules of the road, only if the violation occurs on railroad property, is a violation of a traffic sign, signal, or marking located on railroad property, or immediately affects railroad operations, whereas the original removes the prohibition against a railroad peace officer issuing a traffic citation for a violation of those provisions. The substitute differs from the original by making a conforming change.